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ORIGINAL

DALLAS DISTRICT COURT
NORTHEAST DIST. OF TX
FT. WORTH DIVISION

2015 JUN 16 PM 4:06

CLERK OF COURT

[illegible]

CITY OF ALLEN, et al.,
Defendants.

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Defendant Cities were properly served, such service having been attempted in the state court action by certified mail, return receipt requested, addressed to the respective Mayors, none of whom signed the return receipts. This action was brought by Watson, a resident of Louisiana, who received and paid a red light camera civil penalty to Defendant Southlake, without availing himself of his right to an administrative hearing, or making an appeal to the Southlake Municipal Court. The action is being brought as a class action and Watson is requesting monetary damages and temporary and permanent injunctive relief by way of a takings claim and seeks a refund of the amounts paid in civil penalties to all 53 cities based upon the alleged unconstitutionality of several Texas statutes and city ordinances authorizing the civil penalties.

II. LACK OF SUBJECT MATTER JURISDICTION

Defendant Cities move for dismissal under Fed. R. Civ. P. 12(b)(1) because Watson lacks standing as set forth in the Defendants Cities' Brief in Support of Motion to Dismiss.

III. INSUFFICIENT SERVICE OF PROCESS

Defendant Cities move for dismissal based on Fed. R. Civ. P. 12(b)(5) because Defendant Cities were not served with process according to law as set forth in the Defendants Cities' Brief in Support of Motion to Dismiss because the certified mail notices were not signed by the addressee.

IV. FAILURE TO STATE A CLAIM UPON WHICH RELIEF CAN BE GRANTED

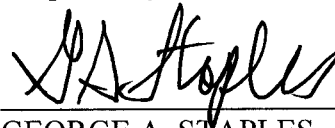
Defendant Cities move for dismissal based on Fed. R. Civ. P. 12(b)(6) because Watson's pleadings do not describe any facts which constitute a cause of action, as set forth in Defendants Cities' Brief in Support of Motion to Dismiss. Watson's claims are based upon a theory that the Texas statutes and city ordinances are unconstitutional because they violate due process standards applicable to criminal cases; however, such statutes and ordinances are constitutional.

V. PRAYER

WHEREFORE, PREMISES CONSIDERED, the Defendant Cities pray that the Court: (1) grant their motion to dismiss; (2) dismiss all claims against the Defendant Cities in this lawsuit with prejudice and order that Plaintiff, Watson, take nothing by this action against the Defendant Cities; and, (3) grant the Defendant Cities such further relief as the Court deems just and proper.

Dated this 16th day of June, 2015.

Respectfully submitted,



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ROUND ROCK, SOUTHLAKE, SUGAR
LAND AND WATAUGA*

CERTIFICATE OF SERVICE

On June 16, 2015, a true and correct copy of the foregoing document was served upon all counsel, at the addresses on file with the Court and in accordance with the Federal Rules of Civil Procedure, via U.S. First Class Mail:

Russell J. Bowman, Paul R. Smith, Scott A. Stewart, Attorney for Plaintiff

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